

September 13, 2007

Hon. Maria-Elena James
Courtroom B, 15th Floor
U.S. District Court
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Activision v. Tam, et al.
Case No. C07-03536 MEJ

Your Honor:

As counsel for Defendants, The Ant Commandos, Hong Lip Yow and Raymond Yow we object to counsel for the Tam defendant's letter to you regarding the court's denial of the good faith settlement motions. Counsel's letter states that the motion were denied "primarily" because Kennedy and Reverb were still left in the lawsuit. Your order does not state this. It stated it denied all motions because the court could not determine relevant fault on the record before it. The court went on to add that the retention of Reverb and Kennedy was an additional reason for denying the motion. If the court is inclined to reopen the file for good faith motions, these defendants request that the court permit taking the depositions of defendants Tam and Fong so the court can have a factual basis for determining the relevant fault of these defendants who want to refile their good faith motions.

Very truly yours,

Michael A. Oswald

MAO:ptm

cc: All Counsel - via facsimile